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Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Report of the Fifth Committee

Rapporteur: Mr. Patrick A. **Chuasoto** (Philippines)

I. Introduction

1. At its 2nd plenary meeting, on 19 September 2008, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-third session the item entitled "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 23rd and 28th meetings, on 15 and 23 December 2008. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/63/SR.23 and 28).

3. For its consideration of the item, the Committee had before it the following documents:

(a) First performance report of the Secretary-General on the International Tribunal for the Former Yugoslavia for the biennium 2008-2009 (A/63/559);

(b) Related report of the Advisory Committee on Administrative and Budgetary Questions (A/63/595);

(c) Report of the Secretary-General on revised estimates arising in respect of Security Council resolution 1800 (2008) on the appointment of additional ad litem judges at the International Tribunal for the Former Yugoslavia (A/62/809);

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(d) Related report of the Advisory Committee on Administrative and Budgetary Questions (A/62/7/Add.38).

II. Consideration of draft resolution A/C.5/63/L.16

4. At its 28th meeting, on 23 December, the Committee had before it a draft resolution entitled "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991" (A/C.5/63/L.16), submitted by the Chairman of the Committee on the basis of informal consultations coordinated by the representative of Angola.

5. At the same meeting, the Committee adopted draft resolution A/C.5/63/L.16 without a vote (see para. 6 below).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

The General Assembly,

Having considered the reports of the Secretary-General, namely, the revised estimates relating to the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 for the biennium 2008-2009,[1] the first performance report of the International Tribunal for the Former Yugoslavia for the biennium 2008-2009,[2] and the revised estimates arising in respect of Security Council resolution 1800 (2008) on the appointment of additional ad litem judges at the International Tribunal for the Former Yugoslavia,[3]

Having also considered the report of the Board of Auditors on the International Tribunal for the Former Yugoslavia and the recommendations contained therein,[4]

Having further considered the related reports of the Advisory Committee on Administrative and Budgetary Questions,[5]

Stressing the need fully to respect and maintain the balance between the principal organs of the United Nations within their respective purviews and mandates in accordance with the Charter,

Reaffirming its authority in the consideration of all budgetary issues, as stipulated in the Charter,

Recalling its resolution 47/235 of 14 September 1993 on the financing of the International Tribunal for the Former Yugoslavia and its subsequent resolutions thereon, the latest of which was resolution 62/230 of 22 December 2007,

1. *Takes note* of the reports of the Secretary-General on the revised estimates for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 for the biennium 2008-2009,[1] the first performance report of the International Tribunal for the Former Yugoslavia for the biennium 2008-2009,[2] and the revised estimates arising in respect of Security Council resolution 1800 (2008) on the appointment of additional ad litem judges at the International Tribunal for the Former Yugoslavia;[3]

2. *Endorses* the conclusions and recommendations contained in the reports of the Advisory Committee on Administrative and Budgetary Questions;[5]

3. *Reaffirms*, in the context of all Security Council decisions on the International Tribunals, the prerogatives of the General Assembly in the issues related to administrative and budgetary matters;

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[1] A/63/513.
[2] A/63/559.
[3] A/62/809.
[4] A/63/5/Add.12.
[5] A/63/595 and A/62/7/Add.38.

4. *Reiterates* that, in accordance with the Financial Regulations and Rules of the United Nations,[6] the submission of the budget proposals is a prerogative of the Secretary-General;

5. *Invites* the Secretary-General to provide all intergovernmental bodies with the required information regarding procedures for administrative and budgetary matters;

6. *Requests* the President of the General Assembly to bring to the attention of the President of the Security Council the contents of the present resolution;

7. *Decides* on a revised appropriation to the Special Account for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 of a total amount of 376,232,900 United States dollars gross (342,332,300 dollars net) for the biennium 2008-2009, as detailed in the annex to the present resolution;

8. *Also decides*, for 2009, to apportion among Member States, in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year, the amount of 101,158,400 dollars gross (91,981,800 dollars net), including 14,333,000 dollars gross (12,930,100 dollars net), being the increase in assessments;

9. *Further decides*, for 2009, to apportion among Member States, in accordance with the rates of assessment applicable to peacekeeping operations for the year, the amount of 101,158,400 dollars gross (91,981,800 dollars net), including 14,333,000 dollars gross (12,930,100 dollars net), being the increase in assessments;

10. *Decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 8 and 9 above, their respective share in the Tax Equalization Fund in the amount of 18,353,200 dollars, including 2,805,800 dollars, being the increase of the estimated staff assessment income approved for the International Tribunal for the Former Yugoslavia for the biennium 2008-2009.

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[6] ST/SGB/2003/7.

Annex

Financing for the biennium 2008-2009 of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

	Gross	*Net*
	(United States dollars)	
1. Initial appropriation for the biennium 2008-2009 (resolution 62/230)	347 566 900	316 472 100
Add:		
2. Revised estimates for the biennium 2008-2009 after recosting (A/63/513 and A/63/595)	15 548 100	14 455 500
3. First performance report for the biennium 2008-2009 (A/63/559)	13 117 900	11 404 700
4. Estimated revised appropriation for the biennium 2008-2009	**376 232 900**	**342 332 300**
Less:		
5. Estimated income for the biennium 2008-2009	(265 300)	(265 300)
6. Assessment for 2008	173 650 800	158 103 400
7. Balance to be assessed for 2009	202 316 800	183 963 600
Including:		
8. Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2009	101 158 400	91 981 800
9. Contributions assessed on Member States in accordance with the rates of assessment applicable to peacekeeping operations of the United Nations for 2009	101 158 400	91 981 800